

FILED

08 MAR -3 AM 11:05

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Magistrate Case No. **'08 MJ 06 38**

Plaintiff,

PDL

v.

COMPLAINT FOR VIOLATION OF:

Jesus Felipe COTA-Cota,

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

Defendant(s)

The undersigned complainant, being duly sworn, states:

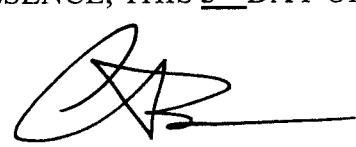
On or about **February 29, 2008**, within the Southern District of California, defendant **Jesus Felipe COTA-Cota**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jose Asuncion VAZQUEZ-Quintana, Misael BARRETO-Ortiz, Jose VASQUEZ-Franco**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF MARCH, 2008



Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:
Jesus Felipe COTA-Cota**

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Jose Asuncion VAZQUEZ-Quintana, Misael BARRETO-Ortiz, Jose VASQUEZ-Franco** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 29, 2008, Border Patrol Agent A. Gonzalez was assigned to an area known as Sam's Drive when dispatch advised via agency radio of seismic sensor activation in an area known as Pinks Drive. This area is approximately three miles west of the San Ysidro, California, Port of Entry. National Guard Scope notified Gonzalez via agency radio of a group of individuals running north towards 2401 Monument Road.

Agent Gonzalez responded to the area and observed the group heading directly towards him. Agent Gonzalez identified himself as a United States Border Patrol Agent and commanded everyone to stop. Half of the group stopped and the other half continued north past Agent Gonzalez. Agent Gonzalez chased after the absconding individuals. As Agent Gonzalez caught up to each of the individuals that ran, one by one they stopped running. The last individual to stop running was later identified as the defendant, **Jesus Felipe COTA-Cota**. After all the individuals stopped running Agent Gonzalez questioned all the individuals as to their country of citizenship. Each of the individuals freely responded that they were nationals and citizens of Mexico without the proper documentation to be in the United States legally. All thirteen individuals were arrested at 3:10 p.m. and transported to the Imperial Beach Border Patrol Station.

DEFENDANT STATEMENT:

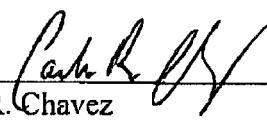
At approximately 7:03 p.m. the defendant was advised of his Miranda/ Consulate Warnings and was willing to make a statement without an attorney present. He stated that he was a citizen and national of Mexico without any immigration documents that would allow him to enter or remain in the United States legally. He stated that he entered illegally today by jumping over the international boundary fence near San Ysidro, California.

He stated that he had been previously deported in 2003 and understood that it was against the law to enter illegally again. He stated that he was convicted of alien smuggling on a previous occasion and served forty five days in jail for it. COTA stated that he did not ask permission to the United States Attorney General to reenter the United States. COTA stated that he was going to be smuggled into the United States and that he was going to pay \$500.00. COTA described the man he made arrangements with and who guided him was middle aged, with a mustache and a red nose. COTA denied any part in the smuggling of the twelve people apprehended with him today.

CONTINUATION OF COMPLAINT:
Jesus Felipe COTA-Cota**MATERIAL WITNESSES STATEMENTS:**

Material witnesses Jose Asuncion VAZQUEZ-Quintana, Misael BARRETO-Ortiz, Jose VASQUEZ-Franco all freely admitted to being citizens and nationals of Mexico without the proper documentation to be in or enter the United States legally. All three subjects stated they were to pay approximately \$2,000.00 to be smuggled into the United States. All three subjects stated they met the defendant on the U.S./ Mexico International fence and the defendant led them across the fence until they were apprehended by the Border Patrol. If apprehended the defendant instructed the individuals to try to evade arrest. When shown a photo lineup all three individuals were able to positively identify the defendant as the individual they met on the south side of the fence and as the individual who smuggled them across the U.S./ Mexico Border until being apprehended by Border Patrol.

Executed on March 2, 2008, at 9:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 29, 2008**, in violation of Title 8, United States Code, Section 1324.



Cathy A. Bencivengo
United States Magistrate Judge



Date/Time